S.B.CIVIL TRANSFER PETITION NO.27/2006

Smt. Santosh Kanwar

vs.

Chandrapal Singh.

DATE OF ORDER ::: 30.8.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. DS Udawat, for the petitioner.

Mr. NS Bhati, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has moved this petition for transfer of the Petition No.45/2006 filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending in the Family Court, Jodhpur.

The petitioner is a resident of small Village Sandiya, Tehsil Sojat City, District Pali. According to the petitioner, the petitioner filed criminal case under Sections 498A IPC against the respondent which is pending at Sojat. To counter that case, the respondent has filed the petition under Section 9 of the Hindu Marriage Act at Jodhpur. It is submitted that this petition has been filed just to harass the petitioner who is young lady. She has no child and according to the petitioner, she is afraid of the

situation which has been created by the respondent and looking to the distance from the village of the petitioner and looking to the fact that the petitioner is a village lady, she will not be in a position to contest the case. Therefore, it is prayed that the petition filed by the respondent be transferred to the Court at Sojat City.

Learned counsel for the respondent submits that the petitioner may submit her reply in the Family Court, Jodhpur and may show whether she is willing to live with the respondent or not. It is submitted that in such a short matter, the petition filed by the respondent may not be transferred to Sojat.

I considered the submissions of learned counsel for the parties and perused the fact that the petitioner is a young lady of small village and living in that village which is far away from Jodhpur city. The respondent is facing a criminal case at Sojat City.

In view of the above facts and looking to the age of the petitioner, it will be appropriate that the petition filed by the respondent be transferred.

In view of the above, this transfer petition is allowed, the Petition no.45/2006 (Chandrapal Singh vs. Smt. Santosh Kanwar) filed by the respondent pending in the Family Court, Jodhpur is hereby withdrawn and is transferred to the Court of Additional District Judge,

Sojat City for deciding the same in accordance with law.

Both the parties are directed to remain present before the Court of Additional District Judge, Sojat City on 19.9.2006.

(PRAKASH TATIA), J.

S.Phophaliya